

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
)
v.)
) CRIMINAL NO. 06-10169-PBS
PAUL F. MARE,)
)
Defendant.)
)

ORDER

April 4, 2008

Saris, U.S.D.J.

After hearing and review of the caselaw, the Court Allows the Motion to Dismiss Counts III and IV because the investigatory mailings were not in furtherance of the scheme but rather were intended to detect the nature of the fraud and defeat it. See United States v. Castile, 795 F.2d 1273, 1280-81 (6th Cir. 1986) (reversing convictions in an arson and fire insurance fraud case "where the purpose of the mailings was to defeat a fraudulent scheme"); United States v. Pacheco-Ortiz, 889 F.2d 301, 305-06 (1st Cir. 1989) (reversing conviction in arson and insurance fraud case based on a mailing that "could only increase the possibility that the scheme would unravel.").

S/PATTI B. SARIS

United States District Judge